

AO 91 (Rev. 08/09) Criminal Complaint

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

FEB 20 2015

David J. Bradley, Clerk

United States of America)

v.)

Eric BARCENAS)

1993 USC)

Victor Manuel ORNELAS-Ochoa)

1980 Mex)

Defendant(s)Case No. M-15-0262-M

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 19, 2015 in the county of Starr in the
Southern District of Texas, the defendant(s) violated:

Code Section

21 USC 841

21 USC 846

Offense Description

defendants did, knowingly and intentionally possess with the intent to distribute approximately 467.5 kilograms of marijuana, a Schedule I controlled substance, and did knowingly and intentionally conspire to possess with intent to distribute with persons known and unknown approximately 467.5 kilograms of marijuana, a Schedule I controlled substance

This criminal complaint is based on these facts:

Before the United States Magistrate Judge, Southern District of Texas, I, Brian Chapa, Special Agent, United States Immigration and Customs Enforcement, being duly sworn, depose and say the following:

See Attachment A

☒ Continued on the attached sheet.

approval for file



Sworn to before me and signed in my presence.

Date: February 20, 2015City and state: McAllen, Texas

Complainant's signature

Brian Chapa ICE Falcon Dam Special Agent

Printed name and title



Judge's signature

Peter Ormsby

Printed name and title

Attachment A

On February 19, 2015, United States Border Patrol Agents from the Rio Grande City Border Patrol Station attempted to conduct a vehicle stop on a green GMC Yukon, Texas License Plate 6HTDM, in Garciasville, Texas. The vehicle stop resulted in the seizure of approximately 467.5 kilograms of marijuana and the arrest of Eric BARCENAS and Victor Manuel ORNELAS-Ochoa.

Border Patrol Agents (BPA) were conducting patrol in the area of Garciasville, Texas located just east of Rio Grande City, Tx. BPA were traveling east on FM 1430 when they observed a green GMC Yukon (SUV) driving north on a dirt road that leads down to the Rio Grande River, at a high rate of speed. As the Yukon reached FM 1430, the driver turned left onto FM 1430 and began traveling west bound. As the BPA passed the Yukon, they could plainly see into the vehicle and through the windshield. The BPA observed several packages wrapped in brown plastic taped piled inside of the Yukon almost reaching the roof behind the front row of seats, which they suspected was narcotics.

BPA's turned around and activated their emergency lights and siren to conduct a vehicle stop on the Yukon. The driver of the Yukon kept on going for a short distance and then attempted to make a sharp left turn onto a dirt road and collided into a telephone pole. The driver of the vehicle was observed by BPA exiting through the front driver side window and then the passenger was also observed exiting the Yukon through the front driver side window. The BPA was able to see the driver was a thin male subject with facial hair, wearing green camouflage pants and the passenger had a shaved head and was wearing blue jeans.

BPA observed the two males running south on the dirt road and then west into the brush line. BPA notified other Border Patrol Agents in the surrounding area of the two male's direction of travel. One BPA observed the two male subjects in the brush line remove their shirts. The subject with camouflage pants was wearing a blue shirt and the other subject with the blue jeans was wearing a white shirt. BPA kept pursuing the subjects on foot and the first subject caught was the one wearing the green camouflage pants, he was later identified as ORNELAS-Ochoa. A few minutes later with the assistance of Customs and Border Protection Air Unit, the second

subject wearing the blue jeans and no shirt was caught, he was later identified as BARCENAS.

Inside the Yukon vehicle a total of 45 bricks of a green leafy substance suspected of being marijuana, weighing 467.5 kilograms was discovered.

Special Agents (SA) from Homeland Security Investigations were notified and responded to the Border Patrol Station where they took custody of the marijuana and two subjects.

Both subjects were read the Miranda Warning and stated they understood their rights. BARCENAS requested to have an attorney present prior to any questioning.

ORNELAS-Ochoa waived his right to having an attorney present during questioning.

ORNELAS-Ochoa stated he was the passenger of the Yukon and was aware there was marijuana inside of the vehicle.

ORNELAS-Ochoa stated he knew it was illegal to transport marijuana in the United States and that he was doing it to make money to help feed his family in Mexico.

ORNELAS-Ochoa stated the driver of the Yukon was the other male subject caught by Border Patrol in the brush that was not wearing a shirt, identified as BARCENAS.